

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES OF THE CHICAGO PAINTERS AND)	
DECORATORS PENSION FUND, et al,)	08 C 1504
)	
Plaintiffs,)	
vs.)	Judge Castillo
)	
DAVID ALLARD, individually and d/b/a)	Magistrate Judge Ashman
DAVID ALLARD PAINTING COMPANY, a)	
putative Illinois corporation,)	
)	
Defendants.)	

**PLAINTIFF'S MOTION TO REINSTATE AND FOR ENTRY OF JUDGMENT
IN A SUM CERTAIN**

Plaintiffs, by and through their attorneys, DONALD D. SCHWARTZ, JAMES R. ANDERSON, ANTHONY B. SANDERS, and ARNOLD AND KADJAN, move this Court to reinstate this action and enter judgment in favor of Plaintiffs and against the Defendants. In support of their Motion, the Plaintiffs state as follows:

1. The defendants were personally served with the Summons and Complaint on March 19, 2008.
2. More than twenty days have passed and the defendants have not served any responsive pleading.
3. According to the Affidavit of Angela Gunder, the defendants owe the amount of \$56,770.34, based on contribution reports for the period from September 1, 2007 through February, 2008 including liquidated damages that were prepared and submitted by defendants but which remains unpaid.
4. According to the Affidavit of Olga Kane, attached hereto as Exhibit 2, the

defendants owed the amount of \$38,964.26 as the balance due on an installment note for contributions and other charges owed for the period through May, 2006.

WHEREFORE, Plaintiffs pray that this Court grant the following relief:

A. Enter final judgment on Count I of the Complaint in favor of Plaintiffs and against defendants in the amount of \$56,770.34.

B. Enter final judgment on Count II of the Complaint in favor of Plaintiffs and against defendants in the amount of \$38,964.26. (A proposed order is attached as Exhibit 3).

Respectfully submitted,

S/ James R. Anderson

DONALD D. SCHWARTZ
JAMES R. ANDERSON
ANTHONY B. SANDERS
ARNOLD AND KADJAN
19 West Jackson Blvd.
Chicago, IL 60604
(312)236-0415

Exhibit 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES OF THE CHICAGO PAINTERS)	
AND DECORATORS PENSION FUND, et al.)	
)	08 C 1504
Plaintiffs,)	
vs.)	
)	Judge Castillo
DAVID ALLARD, Individually and d/b/a)	
DAVID ALLARD PAINTING COMPANY, a)	
putative Illinois corporation.)	
)	
Defendants.)	

AFFIDAVIT OF ANGELA GUNDER

ANGELA GUNDER, upon being first duly sworn on oath, deposes and states as follows:

1. I am an employee of OBA MIDWEST, LTD, which is the Third-Party Administrator for the Plaintiffs, Trustees of the Chicago Painters and Decorators Funds.
2. As part of my duties, I monitor the submission and payment of monthly remittance reports from employers that are signatory to a contract with the Painters' District Council No. 14, and that are required to remit monthly contributions to the Funds.
3. According to records maintained in the ordinary course of business, the employer DAVID ALLARD PAINTING. became signatory to the Collective Bargaining Agreement on or about September 6, 2000.
4. DAVID ALLARD PAINTING submitted reports to fund attorneys for the work months of September, 2007 through February, 2008. The total amount owed on those reports is \$54,440.46. as set forth below, copies of reports attached as Exhibit A.

Month	Contributions lpc	dues	Total
09/07	1,126.08	3.60 50.97	1,180.65 (for 72 hours not on original rpt)
10/07	15,952.80	51.00 722.16	16,725.96
11/07	11,980.24	38.30 542.33	12,560.87
12/07	8,038.86	25.70 363.91	8,428.47
01/08	7,976.40	25.50 361.00	8,362.90
02/08	6,850.32	21.19 310.10	7,181.61
			54,440.46

5. When contribution reports are not paid on time, the contract imposes a fifteen liquidated damages assessment for all funds, excluding LPC and Dues Checkoff. I have computed this amounts to be owed, based on examination of the reports listed in paragraph 4, to be \$6,592.24 for September, 2007 through December, 2007 and February, 2008 reports and \$797.64 for the January, 2008 report for a total of \$7,389.88.

6. The total owed based on the amounts listed in paragraphs 4 and 5 is \$61,830.34.

7. In April, 2008, DAVID ALLARD paid \$12,000.00 for the reports. After crediting the payment, \$49,830.84 remains unpaid.

8. To this amount must be added unpaid liquidated damages for reports beginning with the work month of April 2006 through August, 2007 that total \$6,939.50, Exhibit B.

9. The total amount due and owing by DAVID ALLARD is \$56,770.34.

10. I am competent to testify to the truth of the foregoing statements.

Angela Gunder

Angela Gunder

Subscribed to and sworn before me this 10 day July 2008.

Julie A. Tate

NOTARY PUBLIC



Exhibit A

CHICAGO PAINTERS AND DECORATORS

WELFARE - PENSION - DEFERRED SAVINGS - J.A.T.C. - I.A.F. - SCHOLARSHIP - J.C.T.F. - PAINTERS' DISTRICT COUNCIL #14 DUES CHECK-OFF
 1000 BURR RIDGE PARKWAY • SUITE 200 • BURR RIDGE, IL 60527 • 630-960-5572 630-960-5572

DAVID ALLARD PAINTING CO.
 2413 ESSINGTON ROAD
 JOLIET, IL 60436

TO THE EMPLOYER: LISTED BELOW ARE THE NAMES AND SOCIAL SECURITY NUMBERS YOUR EMPLOYEES COVERED BY YOUR COLLECTIVE BARGAINING AGREEMENT WITH DISTRICT COUNCIL NO. 14. IF ANY OF THE EMPLOYEES LISTED BELOW ARE NO LONGER IN YOUR EMPLOYMENT, PLEASE SHOW "TEAM" IN THE HOUR COLUMN.
 IF YOU HAVE EMPLOYEES COVERED BY THE COLLECTIVE BARGAINING AGREEMENT WHO ARE NOT LISTED BELOW, PLEASE ADD THEIR NAMES AND SOCIAL SECURITY NUMBERS TO THE LIST AND INDICATE THEIR HOURS WORKED.

PHONE NO.

ACCOUNT NO.

3001C

EMPLOYEE'S NAME	LOCAL UNION	SOCIAL SECURITY NO.	TOTAL HOURS CURRENT MONTH	GROSS WAGES	PERIOD ENDING FOR THIS MONTH
ALLARD, JOHN J	194	322-50-1192	120	4,248.00	Month Day 09 30 2007
ALLARD, MARK R	194	733-58-0415	80	2,832.00	
SELLERS, STEVE	863	348-82-6653	120	4,248.00	
CASCIO, RUSSELL C	194	337-50-7175	80	2,832.00	
BARRERA, ISIDRO	521	617-10-6863	112	3,964.80	
PEREZ, CARLOS	33	610-30-4715	96	3,398.40	
\$ 9,969.98					
TOTAL HOURS THIS REPORT			608	21,523.20	

VERY IMPORTANT:
 USE "P" FORM FOR PAINTING
 USE "T" FORM FOR TAPING
 USE "S" FORM FOR LOCAL
 USE "W" FORM FOR WOODFIN
 USE "S" FORM FOR SIGN PAINTING

This Report must reflect all hours worked, both regular and overtime, during the reported period. Submit to Fund O or before the 20th day of the month.

Social Security number shown must be correct

IF NO EMPLOYEES WORK DURING THIS MONTH MARK NONE



NONE

Mail checks to: Chicago Painters & Decorators Funds • 3182 Paysphere Circle • Chicago, Illinois 60674-3182

NOTE: LEGAL REQUIREMENTS MAKE NECESSARY SEPARATE CHECKS FOR EACH FUND.

	HOURS	RATE	TOTAL
CHICAGO PAINTERS AND DECORATORS WELFARE FUND...	608	6.550 per hour	3,982.40
CHICAGO PAINTERS AND DECORATORS PENSION FUND...	608	7.400 per hour	4,499.20
CHICAGO PAINTERS AND DECORATORS SAVINGS FUND...	608	1.000 per hour	608.00
CHICAGO PAINTERS AND DECORATORS J.A.T.C. FUND (Includes LMIF \$.05 and I.A.F. J.A.T.C. \$.05)	608	.550 per hour	316.16
INDUSTRY ADVANCEMENT FUND	608	.110 per hour	66.88
CHICAGO PAINTERS AND DECORATORS SCHOLARSHIP FUND	608	.050 per hour	30.40
JOINT COOPERATION TRUST FUND	608	.010 per hour	6.08
L.P.C. LOCAL POLITICAL COMMITTEE	608	.050 per hour	30.40
PAINTERS DISTRICT COUNCIL #14 DUES CHECK-OFF	608	.000	
Total Gross Wages		21,523.20	
Gross Wages Total			4,304.60
2% Rate			

PLEASE
MAKE
CHECKS
PAYABLE
TO
EACH
FUND
SEPARATELY

EMPLOYER'S WARRANTY AND ACCEPTANCE: The undersigned employer hereby warrants that this report accurately states all hours worked by all workmen in its employ represented for collective bargaining by Painters District Council No. 14 and its constituent locals. In addition, the employer hereby agrees to be bound to the terms of the current Collective Bargaining Agreement existing between Painters District Council No. 14, and the relevant Multi-Employer Associations. Further, the undersigned hereby expressly accepts and agrees to be bound by the Trust Agreement existing between the Chicago Painters and Decorators Welfare, Pension, Savings, and Scholarship Funds and the Painters District Council No. 14.

FROM

CHICAGO PAINTERS AND DECORATORS

WELFARE - PENSION - DEFERRED SAVINGS - J.A.T.C. - I.A.F. - SCHOLARSHIP - J.C.T.F. - PAINTERS' DISTRICT COUNCIL #14 DUES CHECK

1000 BURR RIDGE PARKWAY - SUITE 200 - BURR RIDGE, IL 60527 • 830-960-5572 • 830-960-5573

DAVID D. ALLARD, DISTRICT COUNCIL #14,
2413 CANTONMENT ROAD
CHICAGO, IL 60643

TO THE EMPLOYER: LISTED BELOW ARE THE NAMES AND SOCIAL SECURITY NUMBERS OF YOUR EMPLOYEES COVERED BY YOUR COLLECTIVE BARGAINING AGREEMENT WITH DISTRICT COUNCIL NO. 14. IF ANY OF THE EMPLOYEES LISTED BELOW ARE NO LONGER IN YOUR FIRM, PLEASE SHOW "TERM" IN THE HOUR COLUMN.

IF YOU HAVE EMPLOYEES COVERED BY THE COLLECTIVE BARGAINING AGREEMENT WHO ARE NOT LISTED BELOW, PLEASE ADD THEIR NAMES AND SOCIAL SECURITY NUMBERS TO THE LIST AND INDICATE THEIR HOURS WORKED.

PHONE NO.

ACCOUNT NO.
30010

EMPLOYEE'S NAME	LOCAL UNION	SOCIAL SECURITY NO.	TOTAL HOURS CURRENT MONTH	GROSS WAGES	PERIOD ENDING FOR THIS REPORT
ALLARD, MARK R	194	733-58-0415	840	1,416.00	VERY IMPORTANT: USE THIS FORM FOR PAID USE THIS FORM FOR AD USE THIS FORM FOR L USE THIS FORM FOR WOL USE THIS FORM FOR SIGN
ALLARD, JOHN J	194	322-50-1192	120	4,248.00	
SELLERS, STEVE	863	34852-6653	160	5,664.00	
BARAIGA, ISIDRO	521	617-10-6863	96	3,398.40	This Report must reflect hours worked, both re and overtime, during reported. Submit to Fun or before the 20th day month.
PEREZ, CARLOS	533	640-30-4715	48	1,699.20	
CASCIO, RUSSELL C	194	337-50-7175	72	2,548.80	
TOTAL HOURS THIS REPORT			536	18,974.40	Social Security : shown must be : IF NO EMPLOYEES DURING THIS ME MARK NONE <input type="checkbox"/> NONE

Mail checks to Chicago Painters & Decorators Funds • 3182 Payson Circle • Chicago, Illinois 60674-3110

NOTE: LEGAL REQUIREMENTS MAKE NECESSARY SEPARATE CHECKS FOR EACH FUND.

	HOURS	RATE	TOTAL
CHICAGO PAINTERS AND DECORATORS WELFARE FUND	536	@ 6.5500	per hour 3,500.80
CHICAGO PAINTERS AND DECORATORS PENSION FUND	536	@ 7.4000	per hour 3,966.40
CHICAGO PAINTERS AND DECORATORS SAVINGS FUND	536	@ 1.0000	per hour 536.00
CHICAGO PAINTERS AND DECORATORS J.A.T.C. FUND (Includes LIME \$1.05 and LIME \$1.05)	536	@ .5000	per hour 278.72
INDUSTRY ADVANCEMENT FUND	536	@ 1.1000	per hour 589.60
CHICAGO PAINTERS AND DECORATORS SCHOLARSHIP FUND	536	@ .0500	per hour 26.80
JOINT COOPERATION TRUST FUND	536	@ .0100	per hour 5.36
L.P.C. LOCAL POLITICAL COMMITTEE	536	@ .0500	per hour 26.80
PAINTERS' DISTRICT COUNCIL #14 DUES CHECK-OFF	Total Gross Wages	18,974.40 @ 2% Rate	Gross Wages Total 379.49

PLEASE
MAKE
CHECKS
PAYABLE
TO
EACH
FUND
SEPARATELY

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\$ 8789.33

CHICAGO PAINTERS AND DECORATORS

WELFARE - PENSION - DEFERRED SAVINGS - J.A.T.C. - I.A.F. - SCHOLARSHIP - J.C.T.F. - PAINTERS' DISTRICT COUNCIL #14 DUES CHECK-OFF
1000 BURR RIDGE PARKWAY - SUITE 200 - BURR RIDGE, IL 60527 • 630-960-5572

DAVID ALLARD PAINTING CO.
2413 ESSINGTON ROAD
JULIER, IL 60436

TO THE EMPLOYER: LISTED BELOW ARE THE NAMES AND SOCIAL SECURITY NUMBERS
YOUR EMPLOYEES COVERED BY YOUR COLLECTIVE BARGAINING AGREEMENT WITH DISTRICT
COUNCIL NO. 14. IF ANY OF THE EMPLOYEES LISTED BELOW ARE NO LONGER IN YOUR EMP
PLEASE SHOW "TERM" IN THE HOUR COLUMN.
IF YOU HAVE EMPLOYEES COVERED BY THE COLLECTIVE BARGAINING AGREEMENT WHO ARE
LISTED BELOW, PLEASE ADD THEIR NAMES AND SOCIAL SECURITY NUMBERS TO THE LIST
INDICATE THEIR HOURS WORKED.

PHONE NO.

ACCOUNT NO.

50010

EMPLOYEE'S NAME	LOCAL UNION	SOCIAL SECURITY NO.	TOTAL HOURS CURRENT MONTH	GROSS WAGES	PERIOD ENDING FOR THIS MONTH
ALLARD JOHN J.	194	322-50-1192	120	4,248.00	Month Day
SELLEY STEVE	463	344-52-8553	184	6,513.60	10 30 2007
ALLARD, MARK R	194	07-58-0415	80	2,832.00	
CASCO, RUSSELL L	194	337-50-7175	176	6,230.40	
FARRIGA, IDARO	521	617-10-6863	180	6,372.00	
Perez, CARLOS	33	640-30-4775	192	6,792.80	
USCAND, JESUS	273	341-80-7522	72	2,548.80	
ARDAJOL, LUIS	33	345-48-8253	16	566.40	
			TOTAL HOURS THIS REPORT	36,108.00	

VERY IMPORTANT:
USE "P" FORM FOR PAINT
USE "T" FORM FOR TAPE
USE "SS" FORM FOR LOCA
USE "W" FORM FOR WOODFIN
USE "S" FORM FOR SIGN PAI

This Report must reflect all
hours worked, both regul
and overtime, during the
reported. Submit to Fund O
or before the 20th day of 1
month.

Social Security num
shown must be cor

IF NO EMPLOYEES WC
DURING THIS MON
MARK NONE

NONE

Mail checks to: Chicago Painters & Decorators Funds • 3182 Paysphere Circle • Chicago, Illinois 60674-3182
NOTE: LEGAL REQUIREMENTS MAKE NECESSARY SEPARATE CHECKS FOR EACH FUND.

	HOURS	RATE	TOTAL
CHICAGO PAINTERS AND DECORATORS WELFARE FUND	1,020	6.550	per hour 6,681.00
CHICAGO PAINTERS AND DECORATORS PENSION FUND	1,020	7.400	per hour 7,548.00
CHICAGO PAINTERS AND DECORATORS SAVINGS FUND	1,020	1.000	per hour 1,020.00
CHICAGO PAINTERS AND DECORATORS J.A.T.C. FUND	1,020	.520	per hour 530.40
INDUSTRY ADVANCEMENT FUND	1,020	.110	per hour 112.20
CHICAGO PAINTERS AND DECORATORS SCHOLARSHIP FUND	1,020	.050	per hour 51.00
JOINT COOPERATION TRUST FUND	1,020	.010	per hour 10.20
L.P.C. LOCAL POLITICAL COMMITTEE	1,020	.050	per hour 51.00
PAINTERS DISTRICT COUNCIL #14 DUES CHECK-OFF	1,020	.050	per hour 51.00
		Total Gross Wages	36,108.00
		Total Gross Wages Total	2,000
		x 2% Rate	722.16

PLEASE
MAKE
CHECKS
PAYABLE
TO
EACH
FUND
SEPARATELY

EMPLOYER'S WARRANTY AND ACCEPTANCE: The undersigned employer hereby warrants that this report accurately states all hours worked by all workman in its employ represented for collec
bargaining by Painters District Council No. 14 and its constituent locals. In addition, the employer hereby agrees to be bound to the terms of the current Collective Bargaining Agreement exact
between Painters District Council No. 14, and the relevant Multi-Employer Associations. Further, the undersigned hereby expressly accepts and agrees to be bound by the Trust Agreement gov
ing the Chicago Painters and Decorators Welfare, Pension, Deferred Savings, Joint Apprentices, Industry Advancement, Contractual and Labor Councils.

EMPLOYER'S WARRANTY AND ACCEPTANCE: The undersigned employer hereby warrants that this report accurately states all hours worked by all workmen in its employ represented for collec bargaining by Painters District Council No. 14 and its constituent locals. In addition, the employer hereby agrees to be bound to the terms of the current Collective Bargaining Agreement entered between Painters District Council No. 14, and the relevant Multi-Employer Associations. Further, the undersigned hereby expressly accepts and agrees to be bound by the Trust Agreement governing the Chicago Painters and Decorators Welfare, Pension, Deferred Savings, Joint Annuities, Indemnity and Supplemental Pension Plans.

CHICAGO PAINTERS AND DECORATORSWELFARE - PENSION - DEFERRED SAVINGS - J.A.T.C. - I.A.F. - SCHOLARSHIP - J.C.T.F. - PAINTERS' DISTRICT COUNCIL #14 DUES CHECK-0
1000 BURR RIDGE PARKWAY - SUITE 200 - BURR RIDGE, IL 60527 • 630-960-5572
1-630-960-5572DAVID ALLARD PAINTING CO.
2413 ESSINGTON ROAD
JOLIET, IL 60436TO THE EMPLOYER: LISTED BELOW ARE THE NAMES AND SOCIAL SECURITY NUMBERS
YOUR EMPLOYEES COVERED BY YOUR COLLECTIVE BARGAINING AGREEMENT WITH DISTRICT
COUNCIL NO. 14. IF ANY OF THE EMPLOYEES LISTED BELOW ARE NO LONGER IN YOUR EM
PLEASE SHOW "TERM" IN THE HOUR COLUMN.
IF YOU HAVE EMPLOYEES COVERED BY THE COLLECTIVE BARGAINING AGREEMENT WHO ARE
LISTED BELOW. PLEASE ADD THEIR NAMES AND SOCIAL SECURITY NUMBERS TO THE LIST
INDICATE THEIR HOURS WORKED.

PHONE NO.

ACCOUNT NO.

3001C

EMPLOYEE'S NAME

LOCAL
UNION

SOCIAL SECURITY NO.

TOTAL HOURS
CURRENT MONTHGROSS
WAGES

PERIOD ENDING FOR THIS

ALLARD JOHN J.

194

522-50-1192

120

1,248.00

Month Day

SHELDON STEVE

194

543-50-6653

144

5,097.60

12 31 2008

ALLARD, MARK R

194

733-58-0415

80

2,832.00

CASIO, RUSSELL C

194

337-50-7175

146

5,168.40

PEREZ, CARLOS

33

640-30-4775

24

849.60

VERY IMPORTANT

USE "P" FORM FOR PAINT

USE "T" FORM FOR TAPE

USE "33" FORM FOR LOCAL

USE "W" FORM FOR WOODFILL

USE "S" FORM FOR SIGN PA

This Report must reflect a
hours worked, both regu
and overtime, during the
reported. Submit to Fund C
or before the 20th day of
month.Social Security num
shown must be corIF NO EMPLOYEES WK
DURING THIS MON
MARK NONE

NONE

TOTAL HOURS THIS REPORT

514

18,195.60

Mail checks to: Chicago Painters & Decorators Funds • 3182 Paysphere Circle • Chicago, Illinois 60674-3182
NOTE: LEGAL REQUIREMENTS MAKE NECESSARY SEPARATE CHECKS FOR EACH FUND.PLEASE
MAKE
CHECKS
PAYABLE
TO
EACH
FUND
SEPARATELY

	HOURS	RATE	TOTAL
CHICAGO PAINTERS AND DECORATORS WELFARE FUND	514	6.550	per hour 3,366.70
CHICAGO PAINTERS AND DECORATORS PENSION FUND	514	7.400	per hour 3,803.60
CHICAGO PAINTERS AND DECORATORS SAVINGS FUND	514	1.000	per hour 514.00
CHICAGO PAINTERS AND DECORATORS J.A.T.C. FUND	514	.520	per hour 267.28
INDUSTRY ADVANCEMENT FUND	514	.110	per hour 56.54
CHICAGO PAINTERS AND DECORATORS SCHOLARSHIP FUND	514	.050	per hour 25.70
JOINT COOPERATION TRUST FUND	514	.010	per hour 5.14
L.P.C. LOCAL POLITICAL COMMITTEE	514	.050	per hour 25.70
PAINTERS DISTRICT COUNCIL #14 DUES CHECK-OFF	514	2.000	Gross Wages Total 363.91
			x 2% Rate

EMPLOYER'S WARRANTY AND ACCEPTANCE: The undersigned employer hereby warrants that this report accurately states all hours worked by all workmen in its employ represented for collec
bargaining by Painters District Council No. 14 and its constituent locals. In addition, the employer hereby agrees to be bound to the terms of the current Collective Bargaining Agreement exist
between Painters District Council No. 14, and the relevant Multi-Employer Associations. Further, the undersigned hereby expressly accepts and agrees to be bound by the Trust Agreement exist
ing the Chicago Painters and Decorators Welfare, Pension, Deferred Savings, Joint Apprentices, Industry Advancement, etc.

CHICAGO PAINTERS AND DECORATORS

WELFARE - PENSION - DEFERRED SAVINGS - J.A.T.C. - I.A.F. - SCHOLARSHIP - J.C.T.F. - PAINTERS' DISTRICT COUNCIL #14 DUES CHECK-OFF
 1000 BURR RIDGE PARKWAY • SUITE 200 • BURR RIDGE, IL 60527 • 630-980-5572

DAVID ALLARD PAINTING CO.
 2413 ESSINGTON ROAD
 JOLIET, IL 60436

TO THE EMPLOYER: LISTED BELOW ARE THE NAMES AND SOCIAL SECURITY NUMBERS OF YOUR EMPLOYEES COVERED BY YOUR COLLECTIVE BARGAINING AGREEMENT WITH DISTRICT COUNCIL NO. 14. IF ANY OF THE EMPLOYEES LISTED BELOW ARE NO LONGER IN YOUR EMPLOYMENT, PLEASE SHOW "TERM" IN THE HOUR COLUMN. IF YOU HAVE EMPLOYEES COVERED BY THE COLLECTIVE BARGAINING AGREEMENT WHO ARE NO LONGER LISTED BELOW, PLEASE ADD THEIR NAMES AND SOCIAL SECURITY NUMBERS TO THE LIST AND INDICATE THEIR HOURS WORKED.

EMPLOYEE NO.

3001C

1

EMPLOYEE'S NAME	LOCAL UNION	SOCIAL SECURITY NO.	TOTAL HOURS CURRENT MONTH	GROSS WAGES	3001C		
ALLARD JOHN J.	194	322-50-1192	120	4,248.00	01	31	20
SELLERS STEVE	663	348-52-6653	176	6,230.40			
OSCIO, RUSSELL C.	194	337-50-7175	174	6,159.60			
ALLARD, MARK R.	194	733-50-0415	40	1,416.00			
TOTAL HOURS THIS REPORT			510	18,054.00			

\$ 8,362.48 + 15% - 1254.37 = \$ 9,616.85

This Report must reflect all 2 hours worked, both regular and overtime, during the month reported. Submit to Fund Office or before the 20th day of the month.

IF NO EMPLOYEES WORK DURING THIS MONTH, MARK NONE

NONE

This Report must reflect all hours worked, both regular and overtime, during the month reported. Submit to Fund Office or before the 20th day of the month.

IF NO EMPLOYEES WORK DURING THIS MONTH, MARK NONE



NONE

\$ 8,362.48 + 15% = 12,543.70 - \$ 9,616.85

Mail checks to Chicago Painters & Decorators Funds • 3182 Sayrephers Circle • Chicago, IL 60642

DO NOT WRITE RECOMMENDATIONS MAKE NECESSARY SEPARATE CHECKS FROM THIS REPORT

	HOURS	RATE	TOTAL
CHICAGO PAINTERS AND DECORATORS WELFARE FUND...	510	6.550	per hour 3,340.50
CHICAGO PAINTERS AND DECORATORS PENSION FUND...	510	7.400	per hour 3,774.00
CHICAGO PAINTERS AND DECORATORS SAVINGS FUND...	510	1.000	per hour 510.00
CHICAGO PAINTERS AND DECORATORS BASIC FUND \$1.05	510	.520	per hour 265.20
INDUSTRY ADVANCEMENT FUND	510	.110	per hour 56.10
CHICAGO PAINTERS AND DECORATORS SCHOLARSHIP FUND	510	.050	per hour 25.50
JOINT COOPERATION TRUST FUND	510	.010	per hour 5.10
L.P.C. LOCAL POLITICAL COMMITTEE	510	.050	per hour 25.50
PAINTERS DISTRICT COUNCIL #14 DUES CHECK-OFF	510	2.000	per hour 1,050.00
Total Gross Wages		18,054.00	Gross Wages Total 861.00
			x 2% Rate

EMPLOYER'S WARRANTY AND ACCEPTANCE: The undersigned employer hereby warrants that this report accurately states all hours worked by all workmen in its employ represented for collective bargaining by Painters District Council No. 14 and its constituent locals. In addition, the employer hereby agrees to be bound to the terms of the current Collective Bargaining Agreement executed between Painters District Council No. 14, and the relevant Multi-Employer Associations. Further, the undersigned hereby expressly accepts and agrees to be bound by the Trust Agreement governing the Chicago Painters and Decorators Welfare, Pension, Deferred Savings, Joint Apprentice, Industry Advancement, Scholarship and Joint Cooperation Trust Funds, and accepts all of the terms thereof with the intention of providing benefits to its workmen.

WELFARE - PENSION - DEFERRED SAVINGS - J.A.Y.C. - I.A.F. - SCHOLARSHIP - J.C.T.F. - PAINTERS' DISTRICT COUNCIL #14 DUES CHECK-OFF

1000 BURR RIDGE PARKWAY • SUITE 200 • BURR RIDGE, IL 60527 • 630-960-5572

TO THE EMPLOYER: LISTED BELOW ARE THE NAMES AND SOCIAL SECURITY NUMBERS OF YOUR EMPLOYEES COVERED BY YOUR COLLECTIVE BARGAINING AGREEMENT WITH DISTRICT COUNCIL NO. 14. IF ANY OF THE EMPLOYEES LISTED BELOW ARE NO LONGER IN YOUR EMPLOY, PLEASE SHOW "TERM" IN THE HOUR COLUMN, IF YOU HAVE EMPLOYEES COVERED BY THE COLLECTIVE BARGAINING AGREEMENT WHO ARE NOT LISTED BELOW, PLEASE ADD THEIR NAMES AND SOCIAL SECURITY NUMBERS TO THE LIST AND INDICATE THEIR HOURS WORKED.

PHONE NO.

ACCOUNT: 144

NONE

Mail checks to: Chicago Painters & Decorators Funds • 3182 Paysphere Circle • Chicago, IL 60649-1000

NOTE: LEGAL REQUIREMENTS MAKE NECESSARY SEPARATE CHECKS FOR EACH SUBJECT

	HOURS	RATE	TOTAL
CHICAGO PAINTERS AND DECORATORS WELFARE FUND	438	5.58	per hour 2,468.70
CHICAGO PAINTERS AND DECORATORS PENSION FUND	438	7.40	per hour 3,241.20
CHICAGO PAINTERS AND DECORATORS SAVINGS FUND	438	9.45	per hour 4,179.00
CHICAGO PAINTERS AND DECORATORS J.A.T.C. FUND	438	5.20	per hour 2,277.60
INDUSTRY ADVANCEMENT FUND	438	1.17	per hour 49.18
CHICAGO PAINTERS AND DECORATORS SCHOLARSHIP FUND	438	4.80	per hour 2,110.40
JOINT COOPERATION TRUST FUND	438	2.10	per hour 920.40
L.P.C. LOCAL POLITICAL COMMITTEE	438	4.80	per hour 2,110.40
PAINTERS DISTRICT COUNCIL #14 DUES CHECK-OFF	438	5.58	per hour 2,468.70
	Total Gross Wages	19,505.70	Gross Wages Total x 2% Rate 310.10

PLEASE
MAKE
CHECKS
PAYABLE
TO
EACH
FUND
SEPARATELY

EMPLOYER'S WARRANTY AND ACCEPTANCE: The undersigned employer hereby warrants that this report accurately states all hours worked by all workmen in its employ represented for collective bargaining by Painters District Council No. 14 and its constituent locals. In addition, the employer hereby agrees to be bound to the terms of the current Collective Bargaining Agreement existing between Painters District Council No. 14, and the relevant Multi-Employer Associations. Further, the undersigned hereby expressly accepts and agrees to be bound by the Trust Agreement governing the Chicago Painters and Decorators Welfare, Pension, Deferred Savings, Joint Apprentices, Industry Advancement, Scholarship and Joint Cooperation Trust Funds, and accepts all of the obligations thereof with the intention of providing benefits to its workmen.

Exhibit B

7/13/2004
7:52:1

V. 199. 50

Exhibit 2

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES OF THE CHICAGO PAINTERS et al,)	
et al,)	
)	08 C 1504
Plaintiffs,)	
vs.)	Judge Castillo
)	
DAVID ALLARD, Individually and d/b/a DAVID)	
ALLARD PAINTING COMPANY, a putative Illinois)	
corporation,)	
)	
Defendants.)	

AFFIDAVIT OF OLGA KANE

I, Olga Kane, being first duly sworn on oath, state as follows:

1. I have been employed by the law firm of Arnold and Kadjan, counsel to Plaintiffs, for over ten years.
2. One of my duties is to monitor all contractors that are paying delinquent fringe benefit contributions and other charges on installment note programs.
3. This process includes receiving and accounting for all payments made thereon and computing a running tally of the remaining balances for each contractor.
4. Attached hereto as Exhibit A is a copy of the installment note executed by DAVID ALLARD PAINTING COMPANY, and DAVID ALLARD to pay certain fringe benefits and other charges arising under ERISA.
5. The defendants defaulted on the installment note by failing to make the payment that were due on March 15, 2008, and by failing to make its monthly fringe benefit contributions as they became due for the work months of October, 2007 through the present.
6. Upon default, the balance becomes due and owing. The principal sum of

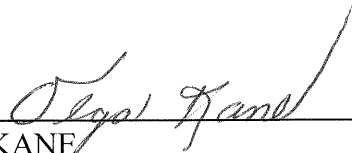
the installment note was for \$84,287.98. The defendants paid a total of \$47,414.42 on the note, leaving a balance of principal of \$36,873.56. See my ledger attached as Exhibit B.

7. Upon default interest accrues on the balance at the rate of eighteen percent per annum which totals \$6,637.24 ($36,873.56 \times .18$), which comes to \$18.18 per day (6,637.24 divided by 365).

8. One hundred fifteen days have passed since the date of default (March 15, 2008), and the date for the presentment of this Motion, resulting in an additional \$2,090.70 owed (115 times 18.18).

9. The total due and owing by defendants is \$38,964.26, consisting of \$36,873.56 in principal and \$2,090.70 in accrued interest.

FURTHER AFFIANT SAYETH NOT.



OLGA KANE

SUBSCRIBED AND SWORN TO BEFORE ME THIS 14th DAY OF July, 2008.



NOTARY PUBLIC

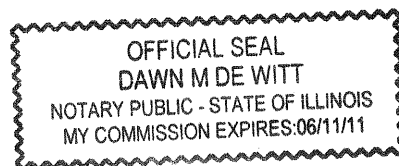


Exhibit A

t&j

FAX NO. : 18154391091

Nov. 22 2006 08:05AM P1

11-15-'06 15:03 FROM-Arnold & Kadjan

INSTALLMENT NOTE

November 15, 2006

(\$96,455.88)

For Value Received, the undersigned promises to pay to the order of **Chicago Painters and Decorators Fringe Benefit Funds** the principal sum of Eighty Four Thousand Two Hundred Eighty Seven and 98/100 (\$84,287.98) Dollars, payable in installments as follows:

Nine Thousand Dollars and 00/100 (\$9,000.00) on or before the 15th day of November, 2006; Two Thousand Four Hundred Twenty Nine and 33/100 Dollars (\$2,429.33) on the 15th day of each month beginning on the 15th day of December, 2006; and on the 15th of each month for 34 month succeeding; and a final payment of Two Thousand Four Hundred Twenty Nine and 33/100 (\$2,429.33) on the 15th day of 2009, with interest on the balance of principal remaining from time to time unpaid at the rate of 10% per annum, payable on the due dates for installments of principal as aforesaid.

All payments on account of the indebtedness represented by this Note shall be applied first to accrued and unpaid interest and the remainder to principal. Any installments of principal not paid when due shall bear interest after maturity at the rate of 18% per annum. Payments of both principal and interest shall be delivered to Arnold and Kadjan, 19 West Jackson Boulevard, Suite 300, Chicago, Illinois 60604 or such other place as the legal holder hereof may from time to time in writing appoint.

At the election of the payee or legal holder hereof and without notice, the principal sum remaining unpaid hereon, together with accrued interest thereon, shall become at once due and payable at the place of payment aforesaid in case of default in the payment, when due, of any installment or principal or interest, or any portion thereof, in accordance with the terms hereof. Any failure to pay current fringe benefits as they become due shall constitute a default of this Note. In the event of default, the payee or legal holder hereof shall be entitled to reasonable costs of collection, including reasonable attorney's fees.


The undersigned hereby authorizes, irrevocably, any attorney of any Court of record to appear for the undersigned in such court, in term time or vacation, at any time after default in the payment of any installment of the principal hereof, and confess judgment without process in favor of the payee or holder of this Note for such amount as may appear to be unpaid thereon, together with reasonable costs of collection including reasonable attorney's fees, and to waive and release all errors which may intervene in any such proceedings, and consent to immediate execution upon such judgment, hereby ratifying and confirming all that said attorney may do by virtue hereof. If this Note is signed by more than one person, the obligations and authorizations hereunder shall be joint and several. All parties hereto severally waive presentment for payment, notice of dishonor and protest.

The makers of this Note acknowledge the above indebtedness represents fringe benefit contributions and other costs and charges due and owing pursuant to applicable provisions of the Employee Retirement Income Security Act, 29 U.S.C. 1145.

For: Audits 2003 through May, 2006, including liquidated damages


DAVID ALLARD PAINTING COMPANY.

by David Allard, president


David Allard, Individually

5050-1996, 2413 Essington Rd., Joliet, IL 60435 (847)812-8898; 439-1091

Exhibit B

David Allard Painting, Co.
2413 Essington Road
Joliet, IL 60435
(847) 812-8898
David Allard, President

5050-1996

Painters & Decorators

JRA

Owe: Principal \$84,287.98 Interest \$12,167.90 Total Due \$96,455.88

For: Audits 2003 through May, 2006, including liquidated damages.

\$96,455.88

DUE DATE	AMT. DUE	DATE REC.	AMT REC'D	CHECK #	BALANCE
8/15/2006	\$5,060.00	5/15/2006	\$5,060.00	3018	\$91,395.88
9/15/2006	\$2,088.45	7/20/2006	\$2,088.45	3056	\$89,307.43
10/15/2006	\$2,088.45	7/20/2006	\$2,088.45	3057	\$87,218.98
11/15/2006	\$2,088.45	8/22/2006	\$2,088.45	3082	\$85,130.53
12/15/2007	\$2,088.45	10/25/2006	\$2,088.45	3091	\$83,042.08
1/15/2007	\$2,429.33	3/30/2007	2,429.33	3177	B \$80,612.75
2/15/2007	\$2,429.33	3/6/2007	2,358.66	3147	B 78,254.09
3/15/2007	\$2,429.33	1/23/2007	2,500.00	3135	B 75,754.09
4/15/2007	\$2,429.33	4/25/2007	2,429.33	3185	B 73,324.76
5/15/2007	\$2,429.33	5/30/2007	2,429.33	3204	B 70,895.43
6/15/2007	\$2,429.33	6/15/2007	2,429.33	3217	B 68,466.10
7/15/2007	\$2,429.33	7/30/2007	2,429.33	3227	B 66,036.77
8/15/2007	\$2,429.33	8/16/2007	2,429.33	3235	B 63,607.44
9/15/2007	\$2,429.33	9/13/2007	2,429.33	3246	B 61,178.11
10/15/2007	\$2,429.33	10/15/2007	2,429.33	3253	58,748.78
11/15/2007	\$2,429.33	11/16/2007	2,429.33	3264	56,319.45
12/15/2007	\$2,429.33	12/18/2007	2,429.33	3283	53,890.12
1/15/2008	\$2,429.33	1/23/2008	2,429.33	3293	51,460.79
2/15/2008	\$2,429.33	2/21/2008	2,429.33	3300	49,031.46
3/15/2008	\$2,429.33				49,031.46
4/15/2008	\$2,429.33				49,031.46
5/15/2008	\$2,429.33				49,031.46
6/15/2008	\$2,429.33				49,031.46
7/15/2008	\$2,429.33				49,031.46
8/15/2008	\$2,429.33				49,031.46
9/15/2008	\$2,429.33				49,031.46

Exhibit 3

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

TRUSTEES OF THE CHICAGO PAINTERS AND)	
DECORATORS PENSION FUND, et al,)	08 C 1504
)	
Plaintiffs,)	Judge Castillo
vs.)	
DAVID ALLARD, individually and d/b/a)	Magistrate Judge Ashman
DAVID ALLARD PAINTING COMPANY, a)	
putative Illinois corporation,)	
Defendants.)	

JUDGMENT ORDER

This cause, coming to be heard upon Plaintiffs' Motion to Reinstate and for Entry of Judgment, all parties having notice,

IT IS HEREBY ORDERED THAT:

A. The case is reinstated and the defendants are in default.

B. Final judgment is entered in favor of Plaintiffs and against the Defendants DAVID ALLARD, individually and DAVID ALLARD PAINTING COMPANY on Count I of the Complaint in the amount of \$56,770.34. The judgment amount is limited to amounts owed on contribution reports from September 2007 through February 2008 and for liquidated damages from June, 2006 through August 2007. Plaintiffs retain the right to audit and bring a separate action for any amounts that may be owed for the audit period beginning April 1, 2006.

C. Final judgment is entered in favor of Plaintiffs and against the defendants DAVID ALLARD, individually, and DAVID ALLARD PAINTING COMPANY in the amount of \$38,964.26 on Count II of the Complaint. The judgment amount is limited to the unpaid balance due on the installment note for contributions dated November 15, 2006 for amounts owed through May, 2006.

Enter: _____

Hon. Ruben Castillo

Date: _____

DONALD D. SCHWARTZ
JAMES R. ANDERSON
ANTHONY B. SANDERS
ARNOLD AND KADJAN
19 West Jackson Blvd.
Chicago, IL 60604
(312)236-0415